

In the United States District Court
for the District of South Carolina
Florence Division

Chris Gagliastre, *et al.*,

*On behalf of themselves and those
similarly situated,*

Plaintiffs,

v.

Capt. George's Seafood Restaurants, LP, *et al.*,

Defendants.

Civil Action No. 4:17-cv-1308 (RBH)

Plaintiffs' Motion to Conditionally Certify an FLSA Collective Action and to Authorize Notice

Pursuant to 29 U.S.C. § 216(b), Plaintiffs Chris Gagliastre, Zachary Tarry, and Olga Zayneeva move this Court for an Order conditionally certifying this action as a collective action under the Fair Labor Standards Act and designating Plaintiffs as representatives of the following Collective:

All non-owner, non-employer servers or similar employees who worked for Defendants at the Captain George's Seafood Restaurants from May 31, 2014 to present.

In connection with this conditional certification, Plaintiffs further move this Court for an Order authorizing Plaintiffs to send notices of this lawsuit to putative Collective members that will inform similarly situated individuals of their rights and provide them with an opportunity to join the action consistent with the Proposed

Notice of Collective Action attached as Exhibit P.

Pursuant to Local Rule 7.02, Plaintiffs hereby notify the Court that they have attempted to confer with Defendants' counsel regarding the relief requested herein, but, at the time of this writing, Plaintiffs have not received a response. Specifically, upon learning of Defendants' counsel's identity on Friday, May 26, 2017, Plaintiffs' counsel promptly emailed Defendants' counsel seeking his consent to Plaintiffs' Motion, or alternatively, inviting Defendants' counsel to have a discussion with Plaintiffs' counsel about where the parties might find agreement with respect to Plaintiffs' Motion. Having not received a response, on May 31, 2017, Plaintiffs' counsel called Defendants' counsel in hopes of discussing Plaintiffs' Motion, but Defendants' counsel was not available. Because the statute of limitations continues to run for putative FLSA Collective members until they affirmatively opt in to the case, Plaintiffs now move for conditional certification without further delay. If Plaintiffs later learn that Defendants do not oppose all or part of the relief requested herein, Plaintiffs will promptly notify the Court.

As set forth in the accompanying memorandum, this action meets each of the prerequisites for conditional collective action certification. Accordingly, Plaintiffs respectfully ask that this Court grant this Motion.

Respectfully submitted,

/s/ Patrick McLaughlin

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Counsel for Plaintiffs

Certificate of Service

The undersigned hereby certifies that on the 31th day of May 2017, a copy of the foregoing was filed through the Court's ECF system. The foregoing motion will be served on Defendants in accordance with the Federal Rules of Civil Procedure. When Plaintiffs receive confirmation of service of this motion, they will file a Certificate of Service with the Court.

/s/ Patrick McLaughlin
Patrick McLaughlin